

August 3, 2001

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION AND
SEPA THRESHOLD DETERMINATION APPEAL**

SUBJECT: Department of Development and Environmental Services File No. **L00P0014**

CEDARWOOD DIVISION VI

Preliminary Plat Application and
Appeal of Threshold Determination

Location: Northeast of Fairwood Park Division 14, at the terminus of Southeast
159th Place, adjacent to and northeast of the Bonneville Power
Administration (BPA) transmission line easement.

Applicant: Cedar River/Lightfoot Corporation, *represented by*
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Cedar River/Lightfoot Corporation, *represented by*
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Appellants:	William Dias	Carrie Uhl
	13310 SE 159 th Pl.	13211 SE 159 th Pl.
	Renton, WA 98058	Renton, WA 98058

King County: Department of Development and Environmental Services
Land Use Services Division, *represented by*
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DECISION SUMMARY:

Department's Preliminary and Final Recommendations:	Approve plat, subject to conditions Deny SEPA appeal
Examiner's Decision:	Approve plat, subject to conditions Deny SEPA appeal
Complete application:	March 28, 2001

EXAMINER PROCEEDINGS:

Hearing Opened:	July 13, 2001
Hearing Closed:	July 13, 2001

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Site access
- Drainage
- SEPA procedures
- Wetlands

SUMMARY:

The threshold determination appeal is denied. The preliminary plat application is approved, subject to conditions.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information:**

Owner/Developer:	Cedar River/Lightfoot Corporation 14410 Bel-Red Road, Suite 200 Bellevue, WA 98007 (425) 644-2310
Engineer:	Hugh Goldsmith & Associates P.O. Box 3565 Bellevue, WA 98009 (425) 462-1080
Location:	The site is located northeast of Fairwood Park Division 14 at the Terminus of SE 159 th Place, adjacent to and northeast of the Bonneville Power Administration (BPA) transmission line

STR:	easement. 22-23-05
Zoning:	R-4
Acreage:	14.6 acres
Number of Lots:	12
Density:	Approximately 1 unit per acre
Lot Size:	Ranges from 9,200 to 12,500 square feet
Proposed Use:	12 single-family detached lots
Sewage Disposal:	Cedar River Sewer & Water District
Water Supply:	Cedar River Sewer & Water District
Fire District:	King County Fire District #40
School District:	Renton School District
Complete Application (Vesting) Date:	May 30, 2001 (initial application) March 28, 2001 (revised boundaries/legal description per file no. L00L0078 – BLA)

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the July 13, 2001 public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the plat application, subject to conditions, and denial of the SEPA appeal.
3. The Cedar River/Lightfoot Corporation has filed a preliminary plat application to subdivide 14.6 acres into 12 lots for single-family residential development. The site is located on the northern edge of the Fairwood Plateau where it overlooks the Cedar River Valley lying to the north and west. A steep ravine containing Molasses Creek lies east of the site. The northeastern and western perimeters of the property contained regulated steep slopes and designated landslide hazard areas. The southern portion of the project site is relatively flat and is dominated by a Bonneville Power easement. The established Fairwood residential neighborhood lies further south on the other side of the BPA easement.
4. Historically, the portion of the Cedarwood VI property that is proposed for residential development was the southernmost extension of a gravel mining operation that dated back to the 1960s. The site was cleared and actively mined during the 1970s, but by 1980 the quarry had been abandoned. As a consequence of mining operations, a substantial percentage of the site has been graded and filled. Further grading and filling is proposed to make the site suitable for residential development. Among the important site alterations that previously occurred was the channeling of site drainage flows over the steep northern slopes in an area where substantial incision and erosion resulted. At some point in the 1980s this fugitive flow pattern was corrected, and a ditch was cut across the upland to redirect flows east towards Molasses Creek.
5. A threshold determination of non-significance was issued by King County DDES under authority of SEPA on April 27, 2001. A timely appeal of the DNS was filed by neighborhood residents Kerry Uhl and William and Ann Dias, representing the Fairwood West Homeowners Association. A pre-hearing conference was held by the King County Hearing Examiner's Office on June 7, 2001, at which time the issues raised by the neighborhood group subject to SEPA appeal review were identified. They include whether DDES committed procedural error by failing to circulate the project development plans and environmental studies to federal and state agencies prior to issuing its threshold determination, and whether the road circulation plan for the plat would have adverse traffic or safety impacts on the residential neighborhood located in the vicinity of Southeast 159th Place. The pre-hearing order noted that the other issues raised by

the Appellants' appeal statement were more properly considered within the context of preliminary plat review. A hearing on the combined preliminary plat application and threshold determination appeal was held on July 13, 2001.

6. The issue of greatest concern to the Appellants is the proposed use of Southeast 159th Place as the access road to Cedarwood Division VI. Southeast 159th Place was created in 1969 as a part of Fairwood Park Division 14 and is currently a deadend cul-de-sac serving 15 residences. Neighborhood residents are distressed that the extension of Southeast 159th Place into Cedarwood Division VI will nearly double the traffic on that subaccess street, increase risk to pedestrian safety, and potentially open up an alternate access route east to the 140th Avenue Southeast arterial corridor. Since the Southeast 159th Place cul-de-sac appears to have been constructed for permanent use, the Appellants have argued that it is now improper to remove the cul-de-sac and extend the roadway further north.
7. From a purely legal standpoint, there can be no doubt that Southeast 159th Place is subject to extension into Cedarwood Division VI. Notwithstanding the apparently permanent construction of the cul-de-sac feature, the plat map and road and sewer plans all show the road right-of-way extending to the boundary of Fairwood Park Division 14 at a width of 100 feet. The only purpose for stubbing the road to the plat boundary at that width would be to facilitate its further extension to the north. More fundamentally, Southeast 159th Place has been dedicated to public use, and regardless of any expectations or understandings may have existed in 1969, the right-of-way is legally available for an appropriate extension of the public road system.
8. The issues attending to the extension of Southeast 159th Place are therefore more practical than legal. That is to say, will such extension create significant adverse impacts to the environment or the existing neighborhood, and is there an alternative route to serve the Cedarwood VI property that would have less impact? In response to the former question, from a design and capacity standpoint it seems clear that Southeast 159th Place and the connecting roadways leading out to Southeast Fairwood Boulevard are adequate to accommodate traffic from 12 additional residences. While a future need for intersection controls or warning signs may arise, these are operational questions that County transportation officials will respond to at the appropriate time. They provide no basis for denying a preliminary plat application. The current reading by County transportation officials is that the small amount of additional traffic generated by Cedarwood Division VI will not in itself warrant additional signage.
9. The more serious question is whether creation of a southerly extension of Southeast 159th Place into Cedarwood VI will open up a fugitive cut-through route to 140th Avenue Southeast, thus attracting traffic from outside the neighborhood and increasing the risk of potential vandalism. The source of this concern is an existing gravel logging road that connects the Cedarwood Division VI property north to Cedarwood Division IV and from there out to 140th Way Southeast. This road will be used by the Applicant for construction access to the Cedarwood Division VI site and is identified within a County Department of Transportation road variance as a potential emergency access route. The Appellants are concerned that if this gravel road is not gated or barricaded it will become a fugitive route for cut-through traffic.
10. The likelihood of this cut-through use developing appears to be small. First and foremost, the Applicant is in the process of negotiating with the County to donate 100 acres north of Cedarwood Division VI to the County's open space program. If this happens, by the terms of the road variance the emergency access route would not be required. Second, even if the donation does not occur, it will not be in the interest of Cedarwood Divisions VI or IV to have this fugitive route exist, and so the Applicant can be expected to take effective action to preclude cut-through

traffic use. Even so, to reassure the Fairwood neighborhood, it is useful to incorporate this understanding into a formal requirement, and a new plat condition requiring gating of an emergency access route has been added to the decision.

11. Finally on the access issue, turning to the question of whether better routes are available, it is clear that Southeast 159th Place is by far the least impactful of the alternatives. Other alternatives are not only all longer, but they must cross the steep slopes lying east and north of the plat as well as Molasses Creek, a salmon bearing stream. These problems are further exacerbated by landslide hazard conditions and the fact that the upper reaches of Molasses Creek lie within a deep ravine. The feasibility of alternative access road connections was studied by the Applicant and reviewed within the road variance decision. The Department of Transportation staff memo supporting the road variance decision summarizes this analysis as follows:

“Alternate road connections, which might provide a shorter access, are not possible due to topography and sensitive area constraints. To the north, west and east of the Cedarwood Division 6 site are ravines, steep slopes, and other sensitive areas which legally prohibit the extension or connection of a road to the Cedarwood Division VI road system. The only possible road connection is from the south via existing Southeast 159th Place.”

12. A second major contention of the neighborhood Appellants was that the on-site wetland system for Cedarwood Division VI has been understated. Here the assertion is that a chain of small wetlands lying east of the large Wetland B area was cleared and filled pursuant to a 1997 grading permit. The evidence offered for this conclusion by the Appellants is rather indirect. It is based on an analysis of vegetation as it appears within a series of aerial photographs of the site, as augmented by topographical data.

These speculative assertions are contradicted by the direct site evaluations conducted both by the Applicant and by County staff in conjunction with the 1997 grading permit. At that time, Wetlands A and B were delineated, and County staff verified that there were no other wetlands on the site. The site was recently reevaluated by the Applicant’s wetland biologist, who drilled bore holes in the areas alleged to be wetlands by the Appellants. No evidence of either wetland hydrology or hydric soils was encountered. This direct wetland testing constitutes more compelling evidence than speculation based on photographs and topography.

13. Due to the existence of steep slopes and the earlier alteration of site drainage patterns, surface water management issues have been a major concern in the review of this proposal. In order to protect Molasses Creek downslope to the east, the Applicant has volunteered both to impose a highly restrictive Level 3 flow control regime on site discharges and to tightline all drainage flows over the steep slopes to the creek. Erosive impacts will be avoided at the pipe outlet by installation of an energy dissipater. Potential sedimentation impacts will be mitigated by the use of a wet pond to treat flows prior to release.
14. Drainage review has also focused on the need to avoid potential flooding impacts caused by Wetland B overflow south into Fairwood. The concern here is that the middle section of Wetland B has been hydrologically isolated from the rest of the system by the BPA access road, which has a higher elevation than the wetland outlets to the existing ditch. If the ditch were to become blocked during a major storm, there is a possibility that wetland flows could back up and overtop the BPA road, then flood properties to the south. Although the Applicant had initially proposed to construct a berm along the southern plat property line, this solution appears to create more problems than it solves. The berm could suffocate tree roots and provide an attraction to

dirt motorcycles. In view of the redundant overflow mechanisms being provided, plus overcapacity

within both the pond and tightline systems, the need for the berm has been eliminated, and this element of the proposal has been dropped.

15. A portion of the SEPA appeal was concerned with procedural errors alleged to have been committed by the Applicant and by the County. While the Appellants are accurate in their assertion that the Applicant's checklist fails to adequately identify site wildlife such as owls and herons, this oversight appears to be without major adverse consequence in that the existing wetland habitat on which these species rely will be retained. The checklist failure to identify Molasses Creek as an important area environmental amenity also was an oversight, but one that was corrected within the Applicant's drainage studies. Finally, there is no evidence that the County failed to circulate the SEPA documents to the requisite reviewing agencies.

CONCLUSIONS:

A. SEPA APPEAL

1. The basic standard to be applied to the review of a threshold determination appeal is that the SEPA record must demonstrate the actual consideration of relevant environmental impacts. With respect to those relevant impacts shown to be actually considered, the decision of the SEPA official is entitled to substantial weight on review and shall not be overturned unless clearly erroneous based on the record as a whole.
2. The SEPA record discloses actual consideration by the Department of Development and Environmental Services of the potential environmental impacts of this proposal. The Appellants have not met their burden of proof to demonstrate that the determination of non-significance is either contrary to law or inadequately supported by the record and therefore clearly erroneous.
3. Based on the record, the decision of the SEPA official is not clearly erroneous, is supported by the evidence of record, and assures that there is no probability of significant adverse environmental impacts.

B. PRELIMINARY PLAT APPLICATION

4. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
5. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The SEPA threshold determination appeal is DENIED. The preliminary plat application for Cedarwood Division VI, as revised and received on March 28, 2001, is APPROVED, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.

2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the minimum requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file.”
 - d. Runoff control facilities shall be located in a separate tract and dedicated to King County. The size of the proposed drainage tracts may have to increase to accommodate the required detention storage volumes and water quality facilities.
8. The stormwater retention/detention design shall incorporate the Level 3 Flow Control Methodology as outlined in the 1998 King County Surface Water Design Manual.

Wetland B hydrology shall be maintained following development. The engineering plans and TIR shall document existing hydrology and the methods used to maintain predevelopment hydrology.

All conditions of approval for surface water adjustment L00V0113 shall be met with the submittal of the engineering plans.

9. An HDPE (Driscoe type pipe) is required to be constructed over the easterly steep slope to Molasses Creek per Core Requirement 1 of the 1998 King County Surface Water Design Manual. The design of the pipe shall include geotechnical recommendations for the construction and anchoring of the pipe on the slope.
10. The 100-year floodplain shall be shown on the engineering plans for all streams and wetlands per the 1998 King County Surface Water Design Manual.
11. The following road improvements are required for this subdivision to be constructed according to the 1993 King County Road Standards (KCRS):
 - a. S E 133rd Court shall be improved to the urban minor access street standard.
 - b. Tract F shall be improved as a joint use driveway per Section 3.01 of the KCRS. Notes regarding the ownership and maintenance of this tract shall be shown on the engineering plans and final plat.
 - c. Tract G shall be improved as a private access tract according to Section 2.09 of the KCRS. Notes regarding the ownership and maintenance of this tract shall be shown on the engineering plans and final plat.
 - d. Road Variance L00V0061 is approved for this subdivision. All conditions of approval for this variance shall be met prior to engineering plan approval.
 - e. Modifications to the above road conditions may be considered in accordance with the variance provisions in Section 1.04 of the KCRS.
12. King County Code 16.82.150D requires seasonal limitations for construction. During the period October 1 through March 31, clearing and grading is not allowed unless certain provisions are complied with as outlined in the code. The applicant's engineering plans and construction procedures shall demonstrate compliance with the applicable code requirements of KCC 16.82.150.
13. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
14. The applicant or subsequent owner shall comply with the King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either:
 1. pay the MPS fee at the final plat recording, or
 2. pay the MPS fee at the time of building permit issuance.

If the first option is chosen, the fee paid shall be the fee in effect at the time of the plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of the building permit application.

15. Planter island(s) if any, shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
16. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plans.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
17. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation area and sensitive area tracts (SAT).
18. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
19. Preliminary plat review has identified the following specific sensitive areas requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

Wetlands

- a. Class 2 wetlands(s) shall have a minimum buffer of 50 feet, measured from the wetland edge.
- b. Class 3 wetland(s) shall have a minimum buffer of 25 feet, measured from the wetland edge.
- c. The wetland(s) and their respective buffers shall be placed in a Sensitive Area Tract (SAT).
- d. Buffer averaging may be proposed, pursuant to KCC 21A.24.320, provided the total amount of the buffer area is not reduced and better resource protection is achieved, subject to review and approval by a DDES Senior Ecologist.
- e. A minimum building setback line of 15 feet shall be required from the edge of the tract.

Streams

- a. Class 2 stream(s) used by salmonids shall have a minimum 100-foot buffer, measured from the ordinary high water mark (OHWM). Class 2 perennial stream(s) not used by salmonids shall have a minimum 50-foot buffer, measured from the ordinary high water mark (OHWM). Class 3 stream(s) shall have a minimum 25-foot buffer, measured from the ordinary high water mark (OHWM).
- b. The stream(s) and their respective buffers shall be placed in a Sensitive Area Tract (SAT).
- c. A minimum building setback line of 15 feet shall be required from the edge of the tract.

Alterations to Streams or Wetlands

- a. If alterations of streams and/or wetlands are approved in conformance with KCC 21A.24, then a detailed plan to mitigate for impacts from that alteration will be required to be reviewed and approved along with the plat engineering plans. A performance bond or other financial guarantee will be required at the time of plan approval, to guarantee that the mitigation measures are installed according to the plan. Once the mitigation work is completed to a DDES Senior Ecologist's satisfaction, the performance bond may be replaced by a maintenance bond for the remainder of the five-year monitoring period to guarantee the success of the mitigation. The applicant shall be responsible for the installation, maintenance and monitoring of any approved mitigation. The mitigation plan must be installed prior to final inspection of the plat.

Geotechnical

- a. Determine the top, toe, and sides of 40% slopes by field survey. Provide a 50-foot buffer these slopes. The buffer may be reduced with the submittal of a satisfactory soils report, subject to review and approval by a DDES geologist, prior to engineering plan approval.
 - b. The applicant shall delineate all on-site erosion hazard areas on the final engineering plans (erosion hazard areas are defined in KCC 21A.06.415). The delineation of such areas shall be approved by a DDES geologist. The requirements found in KCC 21A.24.220 concerning erosion hazard areas shall be met, including seasonal restrictions on clearing and grading activities.
 - c. The berm design shall include geotechnical recommendations at engineering plan submittal.
20. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave

undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

21. Appropriate easements for the maintenance of the steep slope mitigation and off-site berms shall be submitted concurrent with engineering plans for DDES review.
22. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

- h. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
23. The applicant shall demonstrate compliance with SO-220 prior to engineering plan approval or permits involving clearing and/or grading activity on the site.
24. A “no outlet” sign shall be installed at the intersection of 132nd Place Southeast and Southeast 160th Place. King County shall be reimbursed by the Applicant for the sign and associated costs prior to final approval.
25. If an easement road north to Parcel E for emergency access is required pursuant to Road Variance L00V0061, such road shall be gated at the plat boundary, as approved by DDES.

ORDERED this 3rd day of August, 2001.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 3rd day of August, 2001, to the following parties and interested persons:

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Renton WA 98058

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Renton WA 98058

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Renton WA 98058

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LUSD/SDSS
Wetland Reviewer
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Bruce Whittaker
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Prel. Review Engineer
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NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) *on or before August 17, 2001*. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before August 24, 2001*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JULY 13, 2001 PUBLIC HEARING ON KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L00P0014

Stafford Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Kim Claussen, Bruce Whittaker, Aileen McManus and Ron Ainslie. Participating in the hearing and representing the Applicant was Robert Johns, Attorney. Other participants in this hearing were William and Ann Dias, Appellants, Maurice Studebaker, Mark Glodowski, Tom Uren, Vince Geglia, David Teasdale and Rick Lennon.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L00P0014
- Exhibit No. 2 Department of Development and Environmental Services Preliminary Report, dated July 13, 2001
- Exhibit No. 3 Application dated May 30, 2000 (application revised March 28, 2001)
- Exhibit No. 4 Environmental Checklist dated May 30, 2000
- Exhibit No. 5 Declaration of Non-Significance dated April 27, 2001
- Exhibit No. 6 Plat Map dated March 28, 2001

- Exhibit No. 7 Fairwood Park Div. 14 (recorded copy) – 1969 letter from Hugh Goldsmith 9/6/00
- Exhibit No. 8 Land Use Map 815 W & 820 W
- Exhibit No. 9 Assessors Map SW 22-23-5 & NW 27-23-5
- Exhibit No. 10 Wetland Study by Terra (dated April 3, 2000)
- Exhibit No. 11 Buffer averaging study by Terra Associates dated October 26, 2000
- Exhibit No. 12 Geotech study by Terra dated March 30, 2000
- Exhibit No. 13 Supplemental Geotech study by Terra dated October 24, 2000
- Exhibit No. 14 Energy Dissipator Design by Goldsmith Assoc. dated June 21, 2001
- Exhibit No. 15 Road/Access Alternatives by Goldsmith Assoc. dated Oct. 30, 2000
- Exhibit No. 16 KCRS variance decision (file no. L00V0061 dated March 20, 2001)
- Exhibit No. 17 Traffic Study by TP & E dated April 3, 2000
- Exhibit No. 18 SEPA Appeal file no L01AP005
- Exhibit No. 19 Drainage Variance file no. L00V0113
- Exhibit No. 20 DNS Appeal
- Exhibit No. 21 Grading Plan
- Exhibit No. 22 Grading Packet from 1996-2001
- Exhibit No. 23 Grading Inspection Log L97G0032 from 3-26-97 to 6-6-01
- Exhibit No. 24 Road Circulation Plan Appeal
- Exhibit No. 25 Road Circulation Map of Fairwood Neighborhood
- Exhibit No. 26 Plat Appeal
- Exhibit No. 27 Road and Storm Sewer Plans
- Exhibit No. 28 1967 Standards (Road Right-of-Way)
- Exhibit No. 29 Sewer Plans
- Exhibit No. 30 Water Plans
- Exhibit No. 31 Drainage, Berm and Wetland Mitigation Easement
- Exhibit No. 32 New Condition from Eileen McManus regarding “No Outlet” sign

SLS:gao
L00P0014 RPT